



**STATEMENT IN SUPPORT OF PLAINTIFF'S MOTION**

On October 13, 2011, Plaintiff Sleepy's, LLC ("Sleepy's") moved for an Order precluding Defendants from presenting certain alleged defenses (the "Motion"). The Motion was fully briefed, and filed with the Court on November 30, 2011.

By Order dated January 10, 2012 the Court appointed Hon. Stephen G. Crane as Special Master in this litigation, pursuant to Fed. R. Civ. P. 53, to, *inter alia*, rule on the Motion.

On February 8, 2012, Special Master Crane issued a Memorandum & Order in which Sleepy's motion was granted.

Sleepy's respectfully requests that this Court enter an Order adopting the Special Master's Memorandum & Order. After a ruling by a Special Master, a party may move to adopt the Master's order. Fed. R. Civ. P. 53(f)(2); Moore's Federal Practice § 53.41.

**CONCLUSION**

For the foregoing reasons, this Court should enter an Order adopting the Memorandum & Order of the Special Master.

Dated: New York, New York  
February 15, 2012

Respectfully submitted,

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